

REMARKS

Reconsideration of the rejection or objection to all claims is respectfully requested in view of the above amendments and the following remarks.

Claim Amendments

Claims 12-21 have been newly cancelled herein and new claims 22-25 have been added. Claims 1-11 have been amended in the manner noted below:

Claim 1 has been amended so such that each limitation now recited therein is fully supported by the original priority application GB 0205690.1 filed March 9, 2002. The basis for the priority claim is found in the priority application and the present specification at page 2, line 27 to page 3, line 14.

Claim 2 has been amended only with regard to a formality, and the scope of this claim remains the same.

Claim 3 has been amended to be dependent on claim 1 only, and to be fully supported by the original priority application. The amended claim has basis in the original priority document and in the present specification at page 5, lines 23-24.

Claim 4 has been amended to be dependent on claim 1 only, and to be fully supported by the original priority application. The amended claim has basis in the original priority document and in the present specification at page 6, line 3.

Claim 5 has been amended to be dependent on claim 1 only, and to be fully supported by the original priority application. The amended claim has basis in the original priority document and in the present specification at page 6, line 6.

Claim 6 has been amended to be dependent on claim 1 only.

Claim 7 has been amended to be dependent on claim 1 only, and to be fully supported by the original priority application. The amended claim has basis in the original priority document and in the present specification at page 6, line 13.

Claim 8 has been amended to be more specifically dependent on claim 1, and to be fully supported by the original priority application. The amended claim has basis in the original priority document and in the present specification at page 7, lines 7-13.

Claim 9 has been amended to be more specifically dependent on claim 1, and to delete two compounds that were not specifically named or exemplified in the priority application.

Claim 10 has been amended to be more specifically dependent on claim 1, and to replace the subjective term "if necessary" with the more appropriate term "optionally."

Claim 11 has been amended to be dependent on claim 1 only.

Claims 12-21 have been cancelled as being in a "use" format not generally accepted under U.S. practice, and replaced in part with new claims 22-25, which are in a proper method of treatment form.

New claim 22 is directed toward a method for producing a cell cycle inhibitory (anti-cell-proliferation) effect in a warm-blooded animal. Support for claim 22 is found, *inter alia*, in the specification at page 17, lines 15-19 and in original claims 14 and 18.

New claim 23 is directed toward a method for the inhibition of CDK2, CDK4 or CDK6 in a warm-blooded animal. Support for claim 23 is found, *inter alia*, in the specification at page 17, lines 19-21.

New claim 24 is directed toward a method for treating cancer in a warm-blooded animal. Support for claim 24 is found, *inter alia*, in the specification at page 17, line 30 to page 18, line 1, and in original claims 16 and 20.

New claim 25 is directed toward method of claim 24 wherein said cancer is selected from leukaemia, breast cancer, lung cancer, colorectal cancer, stomach cancer, prostate cancer, bladder cancer, pancreatic cancer, ovarian cancer, liver cancer, kidney cancer, skin cancer and cancer of the vulva. Support for claim 25 is found, *inter alia*, in the specification at page 16, lines 17-19 and in original claims 17 and 21.

The above claim amendments are being made without abandonment or waiver of Applicants' right to prosecute any deleted subject matter in one or more continuing applications. It should be apparent from the above remarks that no new matter has been added by these amendments to the claims. Therefore, entry of these amendments is believed to be in order and is respectfully requested. Following entry of these amendments, claims 1-11 and 22-25 are pending in this application.

Claim Objections

At page 2 of the Action, claims 4-7 and 11-21 have been objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. This objection has been obviated by the above amendments to the dependencies in a manner that has removed all improper multiple dependencies. Accordingly, withdrawal of this objection is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1-3 and 8-10 have been rejected under 35 U.S.C. 103(a) as being obvious over Breault *et al.*, WO 02/20512 (hereinafter "WO '512"). The reference is said to generically teach imidazolo-5-yl-2-anilino-pyrimidine compounds having cell cycle inhibitory activity, pointing specifically to formula (I) on page 2 of the reference.

This reference is first apparently applied under §102(a)/ §103(a) inasmuch as the March 14, 2002 publication date is *less than one year* before the March 3, 2003 filing date of the International Application of which the present application is the U.S. National Stage. However, the Examiner notes that WO '512 was published March 14, 2002, which is *after* the March 9, 2002 priority date claimed for this application, but justifies this §102(a)/ §103(a) based rejection on the assertion that the foreign priority document does not fully support the present claims. It is respectfully submitted, as discussed above, that the above amendments now bring each element of each claim within the scope of the March 9, 2002 priority document, thereby giving all claims the benefit of the earlier filing date of the priority document. Therefore, this §102(a)/ §103(a) based rejection over WO '512 has been obviated.

This reference is also applied to a rejection based on §102(e)/ §103(a). However, the subject matter of WO '512 and the presently claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. Therefore, the present claims fall within the §103(c) exception whereby WO '512 is not prior art to the present claims under §102(e).

It is therefore respectfully submitted that WO '512 is not prior art to the present claims under either §102(a) or §102(e), and therefore this obviousness rejection under §102(a)/§103(a) and §102(e)/ §103(a) should be withdrawn.

Claim Rejections - Obviousness-Type Double Patenting over US 6,969,714

At page 6 of the Action, claims 1-3 and 8-10 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,969,714 (herein after the '714" Patent"), which issued from the US National Stage application of the PCT application that published as WO '512 discussed above. The Examiner notes that although the conflicting claims are not identical, they are asserted not to be patentably distinct from each other because the instantly claimed compounds are structurally analogous to the reference compounds for the reasons summarized above with respect to the rejection under 35 U.S.C. 103.

In order to expedite prosecution of this application to allowance, a Terminal Disclaimer is submitted herewith with respect to the '714 Patent. This Terminal Disclaimer is being submitted with the understanding that the filing thereof is not intended to be, and does not constitute, an admission that an obviousness-type double patenting rejection would be proper between the claims of the '714 Patent and the presently claimed invention (*see* MPEP 804.02II).

Provisional Obviousness-Type Double Patenting over Copending Applications No. 10/507,162, No. 10/507,169 and No. 10/507,081

Claims 1-3 and 8-10 have been *provisionally* rejected for nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/507,162. This copending application is currently pending before Examiner Rao with no allowed claims. A final Action rejecting all claims was mailed on November 13, 2007.

Claims 1-3 and 8-10 have been *provisionally* rejected for nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/507,169. This application is currently pending before Examiner Rao with no allowed claims. A response to the May 18, 2007 non-final rejection is currently under preparation.

Claims 1-3 and 8-8 have been *provisionally* rejected for nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/507,081. This application is currently pending before Examiner Rao with no allowed claims. A response to the May 18, 2007 non-final rejection is currently under preparation.

Accordingly these provisional rejections remain provisional, and Applicant is not able to meaningfully address the rejections unless and until the claims are fixed in these application by allowance. Therefore, when the *provisional* obviousness-type double patenting rejection is the only remaining ground for rejection in this application (which it is believed should be the case following this Amendment and Response), then the present application should be allowed to issue.

Information Disclosure Statement

The Examiner's attention is respectfully called to the Supplemental Information Disclosure Statement being filed with this response.

Applicants also wish to bring to the Examiner's attention the current status of the following technically related applications of Applicants' assignee:

US Application 10/507,081 is currently pending before Examiner Deepak R. Rao, and a non-final Action rejecting all claims was mailed on May 18, 2007 and a response is currently under preparation. This application has been cited in a provisional obviousness-type double patenting rejection in the present application, as discussed above.

US Application 10/507,162 is currently pending before Examiner Deepak R. Rao, and a final Action rejecting all claims was mailed on November 13, 2007. This application has been cited in a provisional obviousness-type double patenting rejection in the present application, as discussed above.

US Application 10/507,169 is currently pending before Examiner Deepak R. Rao, and a non-final Action rejecting all claims was mailed on May 18, 2007 and a response is currently under preparation. This application has been cited in a provisional obviousness-type double patenting rejection in the present application, as discussed above.

US Application 10/556,561 is currently pending before Examiner Venkataraman Balasubramanian, and a response to a non-final Action was filed October 23, 2007.

US Application 10/556,607 has been assigned to Examiner Deepak R. Rao, and a first Action is predicted to be mailed in 5 months from the present date.

US Application 10/586,954 has been assigned to Examiner Deepak R. Rao, and a first Action is predicted to be mailed in 9 months from the present date.

US Application 11/793,254 is still undergoing preexam processing and has not yet been assigned to a Group Art Unit or to an Examiner, and no prediction is available as of yet as to when a first Action might be mailed.

US Application 11/817,389 is still undergoing preexam processing and has not yet been assigned to a Group Art Unit or to an Examiner, and no prediction is available as of yet as to when a first Action might be mailed.

It is understood that the Examiner has full electronic access to each of these files. However, the undersigned would be happy to provide the Examiner with paper copies of any documents in these files upon requested, rather than inundating the US PTO and the Examiner at this time with unwanted paper.

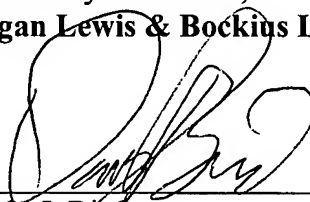
Conclusion

All ground for rejection having been addressed and, it is believed overcome, by the foregoing Amendments and Remarks, the allowance of all claims is respectfully requested together with the mailing of a Notice to that effect. However, if any issues remain outstanding after consideration of the above, it is respectfully requested that the Examiner telephone the undersigned to explore whether an expedited resolution might be obtained.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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